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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,563	07/31/2001	Franck Barillaud	AUS9-2001-0562-US1	3586
40412	7590	12/15/2004	EXAMINER	
IBM CORPORATION- AUSTIN (JVL) C/O VAN LEEUWEN & VAN LEEUWEN PO BOX 81641 AUSTIN, TX 78758-1641			WALSH, JOHN B	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/918,563

**Applicant(s)**

BARILLAUD, FRANCK

**Examiner**

John B. Walsh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/18/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,785,659 to Landsman et al.

As concerns claim 1, a method for selecting download content, said method comprising: sending a plurality of strip information elements to a remote device (information sent from server to client), wherein the strip information elements describe downloadable content (column 12, lines 14-31); receiving a request from the remote device (figure 1), the request corresponding to one strip information elements (figure 1; column 12, lines 14-22); retrieving content corresponding to the request from nonvolatile storage device (column 12, lines 23-25); and sending the retrieved content to the remote device (figure 1; column 12, lines 14-31).

As concerns claim 2, the method as described in claim wherein the strip information elements include one or more elements from group consisting of an execution option, a lifecycle option, a navigation option, persistence option, security key, configuration option, strip identifier, and a strip description (column 12, lines 14-23).

As concerns claim 3, the method as described in claim 1 further comprising: displaying downloaded content on a display included in the remote device (content displayed on a monitor at the client side).

As concerns claim 4, the method as described in claim further comprising: determining whether the downloaded data is storable (figure 1;70); and storing the downloaded data on a nonvolatile storage device in response to the determination (70).

As concerns claim 5, the method as described in claim 1 wherein receiving is performed in response to a user action (user initiates download by opening browser and user click stream).

As concerns claim 6, the method as described in claim wherein the strip information element includes a service time (amount of time for download), the method further comprising; setting a timer (keeping track of downloads) corresponding to the service time; determining whether the timer has reached the service time (time of completing downloads); and deactivating the receiving agent in response to the determination (deactivated once determination made that time to complete download has been achieved; figure 1).

As concerns claim 7, the method as described in claim 1 wherein each of the strips includes a content type, wherein the content type is selected from group consisting of video, video plus, and audio (column 12, lines 14-24).

As concerns claim 8, an information handling system comprising: one or more processors (inherent server has processor); a memory (inherent server has memory) accessible by the processors; a network interface (inherent server on network has a network interface) for communicating with other information handling systems; one more nonvolatile storage areas (inherent server has nonvolatile storage) accessible by the processors; and a selective download

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tool (software) selecting download content, the selective download tool including: means for sending a plurality strip information elements to a remote device (information sent from server to client), wherein the strip information elements describe downloadable content (column 12, lines 14-31); means for receiving a request from the remote device (figure 1), the request corresponding to one strip information elements (figure 1; column 12, lines 14-31); means for retrieving content corresponding to the request from a nonvolatile storage device (figure 1); and means for sending to the remote device (figure 1).

As concerns claim 9, the information handling system as described in claim 8 wherein the strip information elements include one or more elements from group consisting of an execution option, a lifecycle option, a navigation option, a persistence option, a security key, configuration option, a strip identifier, and a strip description (column 12, lines 14-23).

As concerns claim 10, the information handling system as described in claim 8 further comprising: means for determining whether downloaded data is storable; and means for storing the downloaded data nonvolatile storage device in response to the determination (figure 1;70).

As concerns claim 11, the information handling system as described in claim 8 wherein the means for receiving is performed in response to a user action (user initiates download by opening browser and user click stream).

As concerns claim 12, the information handling system as described in claim 8 wherein the strip information element includes a service time (amount of time for download), the information handling system further comprising; means for setting a timer (keeping track of downloads) corresponding to the service time; means for determining whether the timer has reached the service time (time of completing downloads); and means for de-activating the

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receiving agent in response to the determination (deactivated once determination made that time to complete download has been achieved; figure 1).

As concerns claim 13, the information handling system as described in claim 8 wherein each strips includes a content type, wherein the content type is selected from the group consisting text, video plus, and audio (column 12, lines 14-24).

As concerns claim 14, a computer program product stored on a computer operable medium for exchanging data between computing devices, said computer program product comprising: means for sending a plurality of strip information elements to a remote device (information sent from server to client), wherein the strip information elements describe downloadable content (column 12, lines 14-24); means for receiving a request from the remote device (figure 1; column 12, lines 14-31), the request corresponding strip information elements (figure 1; column 12, lines 14-31); means for retrieving content corresponding the request from a nonvolatile storage device (figure 1; column 12, lines 14-31); and means for sending the retrieved content the remote device (figure 1; column 12, lines 14-31).

As concerns claim 15, the computer program product as described in claim 14 wherein the strip information elements include one or more elements from the group consisting of an execution option, a lifecycle option, a navigation option, a persistence option, a security key, a configuration option, a strip identifier, and a strip description (column 12, lines 14-23).

As concerns claim 16, the computer program product as described in claim 14 further comprising: means for displaying downloaded content a display included in the remote device (monitor on client side).

As concerns claim 17, the computer program product as described in claim 14 further comprising: means for determining whether the downloaded data is storable (figure 1;70); and means for storing the downloaded data on a nonvolatile storage device response the determination (figure 1;70).

As concerns claim 18, the computer program product as described in claim 14 wherein the means for receiving is performed in response to a user action (user initiates download by opening browser and user click stream).

As concerns claim 19, the computer program product as described in claim 14 wherein the strip information element includes a service time (amount of time for download), the computer program product further comprising; means for setting a timer corresponding to service time (keeping track of downloads); means for determining whether the timer has reached the service time (keeping track of downloads); and means for de-activating the receiving agent in response to the determination (deactivated once determination made that time to complete download has been achieved; figure 1).

As concerns claim 20, the computer program product as described claim 14 wherein each of the strips includes a content type, wherein the content type is selected from the group consisting text, video, video plus, and audio (column 12, lines 14-24).

### ***Conclusion***

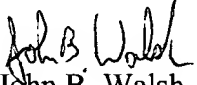
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Friday from 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John B. Walsh  
Primary Examiner  
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